

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

2008 MAR 24 A 9:33

ROBERT EARL RAY, JR. #136712

DEBRA P. JACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Petitioner,

Vs.

*** CASE NO: 2:08-CV-89-MEF**

**ALABAMA PARDON & PARDON
BOARD**

Respondent.

*

MOTION FOR INJUNCTIVE RELIEF

Comes now Robert Earl Ray, Jr. #136712, pro'se in the above-styled cause and moves this Honorable court to grant him the requested injunctive pursuant to Federal Rules Of Civil Procedure Rule 65 based upon the following reasons:

1. Petitioner has filed a civil action for (criminal Liability) into this court against Warden Bill Mitchem as a respondent, wherein he has conspired with members of the Alabama Pardon & Parole agency to violate his civil rights pursuant to 28 USCS § 241 & 242.
2. Petitioner has alleged that warden Billy Mitchem a respondent to the action has intentionally and willfully conspired with others to deprive petitioner of

his liberty in violation of both state law (§§ 15-22-31 & 15-22-32) and the United States constitution (1st, 5th * 14th Amendments).

3. This action on the part of warden Mitchem now subjects him to Criminal Liability.
4. Petitioner has served Warden Billy Mitchem with legal notice that he is subject to criminal liability and he has failed to take any action to eliminate any further injury on his part.

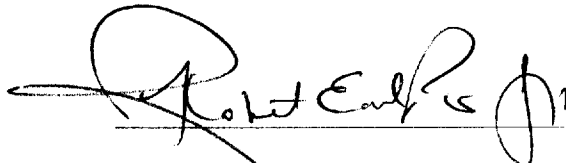
Petitioner is asking this court to issue a preliminary injunction to maintain the status quo until the merits of this case has been decided. **Resolution Trust Corp. V. Cruce**, 972 F. 2d 1195, 1998 (10th Cir. 1992). The petitioner request the preliminary injunction for good cause.

1. Retaliation on the part of warden Billy Mitchem .
2. Retaliation from correctional officers under his authority.
3. Retaliation from being transferred to another higher security prison wherein it is not within reason. Although petitioner has no right to serve his time at a particular facility, he does have the right not to be transferred to another facility due to this pending action.
4. Retaliation can come in through many forms and this could be through excessive physical abuse by both correctional officers and inmates, due to the overcrowding of the prison system and lack of security on the part of Warden Billy Mitchem.

Petitioner is seeking federal intervention wherein this court will order that the petitioner will be placed within the custody of the fed's until this case is resolved. due to the high risk for retaliation in this case. Warden Billy Mitchem transferring petitioner to another state prison facility will only enhance the situation in disfavor of the Alabama department of Corrections, because petitioner will be forced to amend the next warden as a respondent to the civil claim of (criminal Liability) and this will be ongoing per each transfer.

This is a very serious matter wherein state employee's can and most likely will be criminally prosecuted for violating petitioners civil rights under 28 USC §§ 241 & 242. Although no actual injury has occurred upon the petitioner at this present time due to the prematurity of the complaint. The risk is very high and will be unavoidable by petitioner once the retaliatory action begins.

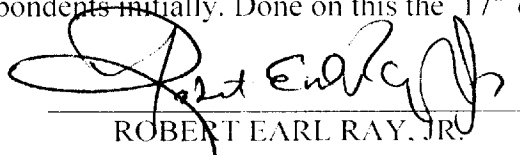
Any relief in which this court can grant to protect the interest of the petitioners is requested. Done on this the 17th day of March 2008.



ROBERT E. RAY, JR.

CERTIFICATE OF SERVICE

I hereby certify hat the foregoing has not been served upon all parties not until this court has served the respondents initially. Done on this the 17th day of March 2008.

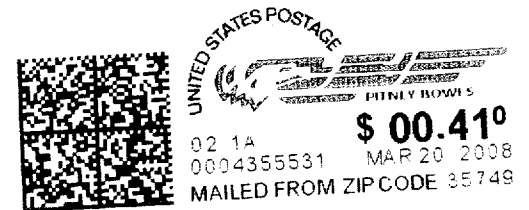


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Legal notice
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